

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

NICHOLAS A. GREEN,

Case No. 2:22-cv-12435
Hon. Denise Page Hood

Plaintiff,

v.

WEXFORD COUNTY JAIL,

Defendant.

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**ORDER TRANSFERRING CASE TO THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF MICHIGAN**

Plaintiff Nicholas A. Green is a Michigan prisoner presently incarcerated at the Charles Egeler Reception and Guidance Center Annex, in Jackson, Michigan. The pro se complaint names Wexford County Jail / Facility Staff and Healthcare Staff as Defendant. The complaint asserts that Plaintiff was denied mental health care and medication at the Wexford County Jail.

The determination of the proper venue for a civil action in federal court is generally governed by 28 U.S.C. § 1391. Relevant here, the statute provides that a civil action may be brought in (1) a judicial district in which any defendant resides; or (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred. 28 U.S.C. 1391(b)). If venue is improper in the district where a case is filed, but would be proper in another district, “a district court has the power to sua sponte transfer [the] case.” *Cosmichrome, Inc. v. Spectra Chrome, LLC*, 504 F. App’x 468, 472 (6th Cir. 2012).

Defendant is located in Wexford County, Michigan. The events giving rise to the complaint are also alleged to have occurred in Wexford County. Wexford County is part of the Western District of Michigan. 28 U.S.C. § 102(b). Because there is no apparent basis for venue to lie in this district, but the facts alleged in the complaint suggest that venue would be proper in the Western District, the Court finds that the interests of justice would be served by transferring the case to the district where it should have been filed in the first instance. 28 U.S.C. § 1406(a).

IT IS ORDERED that this case be transferred to the United States District Court for the Western District of Michigan pursuant to 28 U.S.C. §1406(a).

It is noted that this Court has not decided whether Plaintiff is entitled to proceed in forma pauperis, nor has the Court reviewed Plaintiff's complaint under 28 U.S.C. §§ 1915(e)(2), 1915A, or under 42 U.S.C. § 1997e(c).

SO ORDERED.

s/Denise Page Hood
Hon. Denise Page Hood
United States District Judge

Dated: October 27, 2022